

Docket No. 740116-353

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT Application of

Bodo WIEGAND

Application No.: 09/997,248

Filed: November 30, 2001

For: METHOD AND SYSTEM FOR  
OPTIMIZING EQUIPMENT MAINTENANCE

RECEIVED  
JUN 17 2002  
OFFICE OF PETITIONS

**PETITION TO RE-SET REQUIREMENT FOR NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The above-identified unexecuted patent application was filed in the U.S. Patent and Trademark Office on November 30, 2001. On December 11, 2001 applicant's attorney received a date-stamped postcard showing the Application Number of 09/997,248 and filing date of November 30, 2001. On or about May 30, 2002 applicant's attorney secretary called the Office to see where the Notice to File Missing Parts was and she was informed that the Notice had been mailed out on December 17, 2001 and that a copy of this Notice was being re-sent to applicant's attorney but without resetting the due date being reset. On June 14, 2002 applicant's attorney received a Cover Letter for Resending Corresponding dated June 10, 2002 and Notice to File Missing Parts of Nonprovisional Application dated December 17, 2001. With the mail service being disrupted in the months of November and December 2001 it is evident that this piece of mail was somehow lost in the process of being sent from the U.S. Patent and Trademark Office since it was never received by applicant's attorney. In support of this Petition is a copy of the Case Information as of December 7, 2001, and as of

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130.00 OP

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the June 14, 2002 date of the re-sent Notice from which it can be seen that no papers were received from the Patent and Trademark Office during the intervening period.

It is respectfully requested that the date for responding to the Notice to File Missing Parts be re-set to provide adequate time to comply therewith and to eliminate extension of time fees that occurred without application's knowledge.

A Petition fee of \$130.00 is enclosed.

Respectfully submitted,

By: \_\_\_\_\_

  
David S. Safran

Registration No. 27,997

NIXON PEABODY LLP  
8180 Greensboro Drive, Suite 800  
McLean, Virginia 22102  
Telephone: (703) 770-9300

Dated: June 17, 2002

# FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$130.00)

Complete if Known	
Application Number	09/997,248
Filing Date	November 30, 2001
First Named Inventor	Bodo WIEGAND
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Docket No.	740116-353

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

19-2380(740116-353)

Deposit  
Account  
Name

Nixon Peabody LLP

☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money  
Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$0)

### 2. EXTRA CLAIM FEES

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$0)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English transaction	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	50	123	50	Processing fee under 37 CR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.29(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$130.00)

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on \_\_\_\_\_

Name: \_\_\_\_\_

## SUBMITTED BY

Name (Print/Type)

David S. Sarraf

Signature

Registration No.  
(Attorney/Agent)

27,997

## Complete (if applicable)

Telephone

703-770-9300

Date

June 17, 2002

Please type a plus sign (+) inside this box → [ + ]

PTO/SB/21 (08-00)

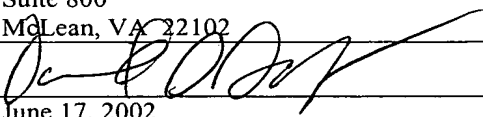
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/997,248
		Filing Date	November 30, 2001
		First Named Inventor	Bodo WIEGAND
		Group Art Unit	Unknown
		Examiner Name	Unknown
Total Number of Pages in This Submission		Attorney Docket Number	740116-353

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Re-set Requirement for Notice to File Missing Parts of Non-Provisional Application Under 37 CFR 1.53(b) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Copy of Cover Letter for Resending Correspondence; Copy of Notice to File Missing Parts of Nonprovisional Application dated December 17, 2002; Copy of Case Information dated December 7, 2001 and Copy of Case Information dated June 14, 2002  <b>RECEIVED</b> <b>JUN 17 2002</b> <b>OFFICE OF PETITIONS</b>
Remarks	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David S. Safran, Reg. No. 27,997 Nixon Peabody LLP 8180 Greensboro Drive Suite 800 McLean, VA 22102
Signature	
Date	June 17, 2002

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; vertical-align: middle;"></span>		
Type or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.